

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SHAWN DRUMGOLD,)	C.A. NO. 04-11193NG
Plaintiff)	
)	
v)	
)	
TIMOTHY CALLAHAN, ET AL.)	
Defendant(s))	
)	

PLAINTIFF’S MOTION TO EXTEND TIME FOR DISCOVERY AND DISCLOSURE

Now comes the Plaintiff in the above-entitled matter and moves this court to extend time for discovery and disclosure as follows:

1. Discovery to be completed by January 31, 2007.
2. Plaintiff’s expert disclosure to be completed on or before January 31, 2007.
3. Defendants’ experts disclosure to be completed on or before February 14, 2007.
4. Expert depositions to be completed on or before March 15, 2007.
5. Defendants’ Motion for Summary Judgment to be filed on or before April 15, 2007.
6. Plaintiff’s responses due by May 15, 2007.

In support thereof, the Plaintiff says the following:

The parties have conducted over twenty depositions in this case. The parties still have a substantial amount of pending deposition to finish. The pending depositions and discovery matters consist of the following:

A. PLAINTIFF'S PENDING DISCOVERY:

1. Second day of Timothy Callahan.
2. Second day of Richard Walsh.
3. Second day of John Daly.
4. Second day of David Meier.
5. Reschedule deposition of Willis Saunders.
6. Reschedule deposition of Francis O'Meara (tentatively scheduled for December 14, 2006).
7. Reschedule deposition of Francis Roache.
8. Reschedule deposition of Lt. McNeely.
9. Deposition of Paul Connolly.
10. Outstanding discovery request to the City of Boston concerning Bureau Investigative Services' informants records, Boston Police laboratory sheets and notes and journals of Lt. Daly.

B. DEFENDANTS' PENDING DISCOVERY:

1. Second day of Juanda Drumgold.
2. Second day of Shawn Drumgold.
3. Second day of Steven Rapport.
4. Second day of Olisa Graham (tentatively scheduled for December 12, 2006).
5. Rescheduled deposition of Robert George (December 12, 2006).
6. Second day of Rachelle Drumgold (tentatively scheduled for December 12, 2006).
7. Deposition of Paul Durant.

8. Deposition of Madalyne Powell Hamilton.
9. Deposition of Rhonda Hamilton.
10. Deposition of Rosemary Scapicchio (subject to Local Rule 37.1 Conference).
11. Defendants have filed a Motion to Compel the depositions of Richard Lehr, Antonio Anthony, Edrina Graham Payne, Olisa Graham (continued deposition), Michelle Payne Short, Obie Graham. Tynetta Gray, Kathy Jamison, Vantrell McPherson (continued deposition), Eric Johnson, Terrance Taylor.
12. Plaintiff sent a notice of deposition of Philip Beauchesne. Plaintiff has withdrawn that notice. Defendant may attempt to depose Mr. Beauchesne.
13. Defendants are also seeking supplemental answers to interrogatories for Mr. Drumgold and supplemental production of documents from the Plaintiff.

As can be seen from the above, the parties have vigorously pursued discovery in this matter. Despite the best efforts of all parties, the parties have not been able to complete all of the pending discovery matters by the discovery deadline of December 6, 2006.

The Plaintiff objects to any further extension of time beyond January 31, 2007. Although Plaintiff agrees that some further extension is necessary to complete discovery, Plaintiff is suffering severe economic and psychological hardship pending the resolution of this case. The Plaintiff has been unemployed since March of 2006. He has exhausted all of his financial assets. He is currently living without rent in a friend's apartment. Plaintiff's wife and children are living in a homeless shelter in Brockton. The economic and psychological stress on both the Plaintiff and his family from the pendency of this case is overwhelming. The Plaintiff strenuously objects

to any further extension of time beyond what is absolutely necessary in order to allow the parties to a fair chance to litigate the case.

In light of the above, the Plaintiff requests that the court extend the time for discovery until January 31, 2007 with the intent of allowing the parties to conclude the pending discovery matters as set out above. The Plaintiff moves that absent unexpected or new evidence, no additional witnesses not named above be deposed during the time of the requested extension.

Wherefore the Plaintiff moves this court to extend the time for discovery as set out above.

Respectfully submitted,
Attorney for Plaintiff,
Shawn Drumgold

/s/ Michael W. Reilly

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Respectfully submitted,
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/s/ Rosemary Curran Scapicchio

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